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EXAMINER	
HANNE, SARA M	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/769,605	RICART ET AL.	
	Examiner	Art Unit	
	SARA M. HANNE	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/26/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-11 and 17-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-11 and 17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5, 7-11 and 17-20 are pending in the application with Independent Claims 1, 7 and 17. Examiner notes that Claims 6, 12-16 are cancelled.

Claim Rejections - 35 USC § 103

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 7-11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over East et al., U.S. Patent Publication No. 2003/0061323, hereinafter East, and further in view of Capps et al., US Patent 6735691, hereinafter Capps.

As in Independent Claim 1, East teaches storing personalization information at a second server (highest server stores updates, master administrative server 202A); adding at least one new client computer to the network (Par. 60, Pg. 6); and transmitting from a second server to a first server (Par. 50, Pg. 5) three types of information including a first type being personalization data for the first server (Par. 50, updates and configurations for administrative servers like 202C), a second type being personalization data that applies to one client computer ("first thin client 322", Par. 84, Pg. 8), and a third type being personalization data that applies to a plural of client computers (Par. 54-line 2 of Par. 55, Pg. 5) and personalizing the new client computer by forming a connection with the first server (Fig. 1) and configuring the new client using portions of the second (Par. 85, Pg. 8) and third information types (Par. 54, Pg. 5). While East teaches the information propagation from second to first server to client and customization method with the three aforementioned types of information, they fail to explicitly teach the gathering personalization information from plural client computers on the network and from a first server on the network during operation of said network; determining that said at least one new client computer is intended to replace at least one of said plural client computers as recited in the claims. In the same field of the invention, Capps teaches a computer personalization through server control similar to that of East. In addition, Capps further teaches gathering personalization information from plural client computers on the network and from a first server on the network during operation of said network (Fig. 1, and corresponding text); determining that said at least one new client computer is intended to replace at least one of said plural client

computers (Fig. 5-6, and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of East and Capps before him at the time the invention was made, to modify the information propagation from second to first server to client of the three aforementioned types of information and customization of a new client with the information that applies to one computer and information that applies to plural client computers taught by East to include the gathering personalization information from plural client computers on the network and from a first server on the network during operation of said network; determining that said at least one new client computer is intended to replace at least one of said plural client computers and personalizing the new computer with information that applies to one computer and information that applies to plural client computers of Capps, in order to obtain the method comprising replacing a client computer with a new client computer and personalizing the new computer by using personalization information including information that applies to one computer and information that applies to plural client computers gathered from the network stored on a second server, the second server also transmitting personalization data for a first server. One would have been motivated to make such a combination because a hardware updating system that preserves user personalization and settings would have been obtained, as taught by Capps (Col. 1, lines 23 et seq.).

As in Claim 2, East teaches sending at least one of "the first server's name, the domain in which it resides . . ." etc. taught by East by configuring the network ("changing TCP/IP configurations", Pg. 5, Par. 54).

As in Claim 3, East also teaches that the information sent for personalizing the new client can be Windows operating system registry information. East teaches this limitation by installing a new device ("an operating system update, the addition of a new device driver, a change in device settings", Pg. 4, Par. 50). Also, the background art in this patent application does refer to prior art listed on novell.com in the form of software that can collect the Desktop policies and profiles, which would include registry information and corporate policy information.

As in Claim 4, East teaches personalizing the first server after the client has been personalized (see in the rejection of Claim 7 *below).* Therefore the system ignores workstation requests for personalization until the server is personalized.). While East teaches information propagation and personalization method, they fail to explicitly teach they fail to explicitly teach the personalization information for the server and client being different as recited in the claims. In the same field of the invention, Capps teaches a computer personalization through server control similar to that of East. In addition, Capps further teaches gathering personalization information from plural client computers on the network and from a first server on the network during operation of said network (Fig. 1, and corresponding text) therefore the personalization information for the server and client would be different (two different devices have different user ids, passwords, settings etc.). It would have been obvious to one of ordinary skill in the art, having the teachings of East and Capps before him at the time the invention was made, to modify the information propagation and personalization method taught by East to include the personalization information for the server and client being different of Capps,

in order to obtain the method comprising replacing a client computer with a new client computer and personalizing the new computer by using personalization information gathered from the network stored on a second server, the personalization information for the server and client being different. One would have been motivated to make such a combination because a customized hardware updating system that preserves user personalization and settings would have been obtained, as taught by Capps (Col. 1, lines 23 et seq.).

As in Claim 5, East teaches personalizing the client as seen in the rejection of Claim 1 *supra*. East and Capps fail to explicitly teach ignoring user requests until the client is at least partially personalized as recited in the claims. It would be obvious to one of ordinary skill in the art to ignore user requests temporarily until the client has been personalized at least partially. One would have been motivated to make such a combination because a personalization method that is executed long enough so that it may complete the request of the user would have been obtained.

As in Independent Claim 7, East further discloses the server to receive and durably store ("a non-volatile memory such as a magnetic media, e.g., a hard drive, or optical storage.", Par. 39) the personalization information for the Server and for the Client, the server personalizing itself according to this information, sending the Client it's information, and the Client personalizing itself based on the information it receives ("Remote/master administrative server 202B then conveys the update to remote server 202C and thin clients 200C-D. Remote server 202C then conveys the update to thin clients 202E-N.", Pg. 5, Par. 50) and to store the client personalization information ("a

non-volatile memory such as a magnetic media, e.g., a hard drive, or optical storage.", Par. 39), the personalization information being partially (default configuration) but not completely the same as personalization information for other clients (Par. 58, Pg. 5). While East teaches the method comprising personalizing a server before the server provides client personalization information to the client, the client configured to personalize itself using client personalization information, the personalization information being partially but not completely the same as personalization information for other clients, they fail to explicitly teach the personalization information for the server and client being different as recited in the claims. In the same field of the invention, Capps teaches a computer personalization through server control, the personalization information being not completely the same as personalization information for other clients similar to that of East. In addition, Capps further teaches gathering personalization information from plural client computers on the network and from a first server on the network during operation of said network (Fig. 1, and corresponding text) therefore the personalization information for the server and client would be different (two different devices have different user ids, passwords, settings etc.). It would have been obvious to one of ordinary skill in the art, having the teachings of East and Capps before him at the time the invention was made, to modify the method comprising personalizing a server before the server provides client personalization information to the client, the client configured to personalize itself using client personalization information, the personalization information being partially but not completely the same as personalization information for other clients taught by East to include the personalization

information for the server and client being different of Capps, in order to obtain the method comprising personalizing a server before the server provides client personalization information to the client, the client configured to personalize itself using client personalization information, the personalization information for the server and client being different. One would have been motivated to make such a combination because a customized hardware updating system that preserves user personalization and settings would have been obtained, as taught by Capps (Col. 1, lines 23 et seq.).

As in Claim 8, East teaches the client to be a laptop disconnectable from the server ("LAN 104 may include a number of interconnected computer systems and optionally one or more other devices: for example, one or more workstations 110a, one or more personal computers 112a, one or more laptop or notebook computer systems 114, one or more server computer systems 116, and one or more network printers 118.", Pg. 3, Par. 36).

As in Claim 9, East teaches a higher-tier server that receives personalization information for the client's server and provides this information back to the server after the server receives and durably stores ("a non-volatile memory such as a magnetic media, e.g., a hard drive, or optical storage.", Par. 39) it and at least partially personalizes itself using this information ("an administrative server is a computer that controls updates and configurations for one or more other administrative servers and/or one or more thin clients", Pg. 4, Par. 50).

As in Claims 10 and 11, East teaches transmission of Roles and Workstation information as further described in Claim 7 of the application seen *supra*. East and

Capps fail to explicitly teach one piece of information to be dominate or submissive to another. It would be obvious to one of ordinary skill in the art to make a specific piece of information, roles workstation or user information, dominate or submissive. One would have been motivated to make such a combination because a personalization method for controlling the order in which the information is processed would have been obtained.

As in Independent Claim 17, East teaches collecting and storing server and client personalization information pertaining to the existing server and client, sending the personalization information to a new server (Copy Configuration, Pg. 5, Par. 56-58) to personalize the server with the other server's information, storing the personalization information by the server ("a non-volatile memory such as a magnetic media, e.g., a hard drive, or optical storage.", Par. 39, sending the personalization information for the Client to a new client to personalize the client with the other client's information ("plug-and-play customization for new clients.", Pg. 6, Par. 60) and storing the personalization information that pertains to the client in a durable way ("a non-volatile memory such as a magnetic media, e.g., a hard drive, or optical storage.", Par. 39). While East teaches the method comprising personalizing a server before the server provides client personalization information to the client, the client configured to personalize itself using client personalization information, they fail to explicitly teach the client server personalization information being different and new client/server to be replacements for the old client/server as recited in the claims. In the same field of the invention, Capps teaches a computer personalization through server control similar to that of East. In

addition, Capps further teaches gathering personalization information from plural client computers on the network and from a first server on the network during operation of said network (Fig. 1, and corresponding text) therefore the personalization information for the server and client would be different (two different devices have different user ids, passwords, settings etc.) and new client/server to be replacements for the old client/server (Fig. 5-6 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of East and Capps before him at the time the invention was made, to modify the method comprising collecting personalization information for a client/server, sending the information to the server, personalizing the server, sending information for the client to the client from the server and personalizing the client taught by East to include the personalization information for the server and client being different and new client/server to be replacements for the old client/server of Capps, in order to obtain the method comprising collecting personalization information for an existing client/server, sending the information to the server, replacing the existing client/server with a new client/server, personalizing the new server, sending information for the new client to the new client from the new server and personalizing the new client, the personalization information for the server and client being different. One would have been motivated to make such a combination because a customized hardware updating system that preserves user personalization and settings would have been obtained, as taught by Capps (Col. 1, lines 23 et seq.).

As in Claim 18, East teaches the personalization information to be stored with a remote service provider (Remote/master administrative server 202B).

As in Claim 19, East teaches the personalization information to include roles information (Figure 8 clusters, and MAC address), net information ("network management information can be transferred", Pg. 8, Par. 90), client information (Claim 7 rejection *supra*) and user information ("change in device settings", Pg. 4, Par. 50).

As in Claim 20, East teaches the role information comprising personalization information common to or driven by roles or functions within a company. They further teach the net information comprising personalization information common to a workgroup, network, or server, along with client information comprising personalization information specific to the client and user information comprising information specific to a user (see Claim 14 rejection, *supra*).

Response to Arguments

Applicant's arguments filed 1/26/09 have been fully considered but they are not persuasive. Examiner notes that the new claims added appear to be substantially the same as cancelled Claims 12-15.

In response to the applicant's argument that neither East nor Capps teach the information downloaded to include: 1. Information for a server, 2. information for individualized client computers connected to the server, and 3. information applicable to numerous clients connected to the server, the examiner disagrees. East teaches default information to be transmitted when a singular new computer is connected to the network. East further teaches groups of clients ("clusters of clients") receiving specific information for that group or a singular client (first thin client) receiving information specific for that client (See claim 1 rejection *supra*). East also teaches information transmitted for the server (Par. 50, updates and configurations for administrative servers like 202C). Furthermore Capps teaches information sending personalization specific to each device in the hierarchy.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a hardware updating system that preserves user personalization and settings is taught by Capps (Col. 1, lines 23 et seq.).

In response to the applicant's argument that "East teaches simply propagate the same information through to the client computers", the examiner disagrees. While they teach sending some information to a plurality of clients they also teach, specific information to be transmitted to different clients dependent upon each separate client's hardware, such as the model type (Par. 58). Even if East did not teach this feature, it is specifically disclosed by Capps (See claim 1 rejection *supra*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sara M Hanne/
Primary Examiner, Art Unit 2179